

REMARKS/ARGUMENTS

Claim Status

Claims 1-19 are pending in the Application. Of the above claims, claims 1-8 have been previously withdrawn from the consideration. Claim 9 has been amended.

Claim Rejections

Claims 9, 11 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Henry et al (Hereinafter “Henry”) (U.S. Patent No. 6,035,080).

Although paragraph 4, page 2 of the Office Action does not explicitly state that claims 10, 12, 13, 14 and 15 stand rejected, the Examiner cites the same reference against claims 10, 12, 13, 14 and 15. Thus, Applicants will respond as if claims 9-15 and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by Henry et al. If Applicants’ assumption is incorrect, they respectfully request that the Examiner notify them.

Claim 9 is an independent claim. Claim 9 has been amended to specify that the “wavelength tunable, wavelength selectable optical component is a stationary fiber Bragg grating”. This amendment does not involve introduction of new matter because it finds support in the now cancelled claim 11 and is also supported, for example, by page 4, lines 17 – 20 (paragraph 0018) of the specification, as well as by the figures.

The Henry reference does not teach or disclose that the wavelength tunable, wavelength selectable optical component is a stationary fiber Bragg grating. Instead, the reference discloses a chip that slides along mechanically. (See page 3. lines. 13-22) That is, one has to literally move (slide) the chip from one set of

waveguides to another set of waveguides. This approach has three inherent problems; (i) relatively high insertion loss; (ii) reliability issues associated with every moving component; and (iii) the mechanical sliding motion slows down the switching speed of the system.

In contrast, by utilizing a fiber Bragg grating, Applicants achieve a low-loss, reliable switching that does not need to include any broken paths and, in addition, provides the Applicants with an ability to “tension tune” the system.

Thus, because the cited reference does not disclose all of the claimed elements of claim 9, claim 9 is not anticipated by this reference. Claims 10-15 depend from claim 9 as their base claims. Therefore, claims 10-15 are also not anticipated by this reference.

Claim 18 is a method claim and specifies as one of its steps (step b) “tuning a wavelength selective optical component to act on a specific signal wavelength”. However, Henry’s sliding components are not designed to be tunable, they are pre-selected to operate at specific wavelengths.

Claims 16, 17 and 19, are rejected under 35 U.S.C. 103(a) as being obvious over Henry (U.S. Patent No. 6,035,080).

As stated above, Applicants utilize a stationary fiber bragg grating as their tunable, wavelength selectable optical component. Henry’s movable “wavelength selectable component” is a sliding chip and not a stationary fiber bragg grating incorporated in the optical path, and thus can not be acted upon by a tension or compression actuator.

Applicant’s configuration advantageously solves some of the problems associated with the cited reference. Furthermore, the reference itself does not discuss any advantages associated with utilizing applicant’s approach, or disadvantages associated with having

a sliding chip. Therefore, claims 16, 17 and 19 are not obvious over the Henry reference (U.S. Patent No. 6,035,080).

Conclusion

Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant believes that no extension of time is necessary to make this Reply timely. Should applicant be in error, applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Svetlana Z. Short at 607-974-0412.

Respectfully submitted,

DATE: _____

1/26/05

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